IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

***O R D E R***

S.B. CIVIL WRIT PETITION NO. 5676/1999

*RAJKUMAR SHESHMA Vs. STATE OF RAJASTHAN & ORS.*

Date: 13.11.2006.

**HON'BLE MR. K.S. RATHORE, J.**

Ms. Neelam Pareek for
Mr. Hanuman Chaudhary for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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Brief facts of the case are that the petitioner applied for the post of Constable-cum-Driver in the police Department in response to the advertisement dated 24.09.98, but was not selected as the petitioner was not found physically fit in medical examination. It was found that the measurement of the chest of the petitioner without expansion was 77 cm. and after expansion was 82 cm. By way of this writ petition the petitioner has submitted that he has been wrongly rejected on account of the measurement of height and chest.

This Court vide interim order dated 13.07.2006 directed the respondents to examine the petitioner regarding chest and height by the Medical Board constituted by the respondents and shall submit the

report to this Court within a period of fifteen days. The petitioner was also advised to appear before the Medical Board as informed by the respondents.

Pursuant to this direction, the respondents have constituted a Medical Board and the petitioner was duly informed, but the petitioner did not appear before the Medical Board and report to this effect is also submitted by the respondents before this Court stating therein that since the petitioner himself has not appeared before the Medical Board, therefore, he could not be examined.

As the petitioner himself has not availed the opportunity, which was provided by this Court in the interest of justice and earlier also the petitioner was not found physically fit by the Medical Board constituted at the time of selections, therefore, the petitioner is not entitled to be given appointment on the post of Constable-cum-Driver.

Consequently, the writ petition fails being devoid of merit and the same is hereby dismissed.

A copy of the letter dated 29.08.2006 and 20.09.2006 be taken on record.

**(K.S. RATHORE),J.**

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